

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith. The present amendment is being made to facilitate prosecution of the application.

Claims 1-18 are pending in this application.

Claims 1, 2, 5, 6, 8-11, 15, 17, and 18 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,392,129 to Ohtaka, et al.

Independent claim 1, as amended herein, recites, *inter alia*:

“...wherein said second piece of data information corresponds to a navigation pack.”

In explaining the above 102 rejection, the Examiner appears to rely on HRT flag detector 126 of Ohtaka as the second data information detection means. It appears that the Examiner is equating the HRT flag, which is a high frequency trim flag used to trim the high frequency data, as the second piece of data information. It is respectfully submitted that Ohtaka, as applied by the Examiner (hereinafter “Ohtaka”) does not appear to disclose the above-recited feature of claim 1. That is, the second piece of data information of claim 1 corresponds to a navigation pack and not a high frequency data flag as in Ohtaka. Accordingly, amended independent claim 1 is believed to be distinguishable from Ohtaka.

For reasons similar or somewhat similar to those described above, amended independent claim 10 is believed to be distinguishable from Ohtaka.

Claims 2, 5, 6, 8, 9, 11, 15 17, and 18 are each dependent from one of the amended independent claims 1 and 10 and are therefore distinguishable from Ohtaka for at least the above-identified reason.

Applicants therefore respectfully request that the rejection of claims 1, 2, 5, 6, 8-11, 15
17, and 18 under 35 U.S.C. §102(b) be withdrawn.

Claims 3, 4, 7, 12-14, and 16 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 5,392,129 to Ohtaka, et al. in view of U.S. Pat. No. 6,308,004 to Kawamura, et al.

Applicants submit that claims 3, 4, 7, 12-14, and 16 are each dependent from one of independent claims 1 or 10 and are therefore believed to be distinguishable from Ohtaka for at least the reasons previously described. The Examiner does not appear to have relied on Kawamura to overcome the above-identified deficiencies of Ohtaka, in regards to independent claims 1 and 10. Therefore, claims 3, 4, 7, 12-14, and 16 are believed to be distinguishable from the applied combination of Ohtaka and Kawamura.

Applicants therefore respectfully request that the rejection of claims 3, 4, 7, 12-14, and 16 under 35 U.S.C. §103(a) be withdrawn.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion or portions of the reference or references providing the basis for a contrary view.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

PATENT
450100-02795

Please charge any fees incurred by reason of this response and not paid herewith to
Deposit Account No. 50-0320..

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By



Dennis M. Smid
Reg. No. 34,930
(212) 588-0800